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APR 06 2006

Date: April 6, 2006

No. of Pages: 9 (Including this page)

To: Central Facsimile Number

From: Jan Hostasa

Of: USPTO

Fax: (740) 321-8024

Fax: (571) 273-8300

Phone: (740) 321-7168

SUBJECT: Petition to Revive

Serial No.: U.S. Patent Application 10/805,815, filed March 22, 2004

I hereby certify that a Petition to Revive is being transmitted to the Central Facsimile Number, at the U.S. Patent and Trademark Office (Fax No. (571) 273-8300) on April 6, 2006.

April 6, 2006

(Date of Deposit)

Jan Hostasa

(Name of Depositor)

(Signature)

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PTO/SB/61 (10-05)

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<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)</b>		<b>Docket Number (Optional)</b>  25096B
First Named Inventor: Bland Application Number: 10/805,815 Filed: March 22, 2004 Title: Method For Recycling Building Materials		
Art Unit: 3749 Examiner: Rhinehart		
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.		
<b>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.</b> NOTE: A grantable petition requires the following items: (1) Petition fee. (2) Reply and/or issue fee. (3) Terminal disclaimer with disclaimer fee required for all utility and plant applications filed before June 8, 1995, and for all design applications; and (4) Adequate showing of the cause of unavoidable delay.		
1. Petition fee <input type="checkbox"/> Small entity - fee \$ _____ (37 CFR 1.17(f)). Applicant claims small entity status. See 37 CFR 1.27. <input checked="" type="checkbox"/> Other than small entity - fee \$ <u>500.00</u> (37 CFR 1.17(f)). <b>DIRECTOR IS HEREBY AUTHORIZED TO CHARGE REQUIRED FEES TO DEPOSIT ACCOUNT NUMBER 50-0568</b>		
2. Reply and/or fee A The reply and/or fee to the above-noted Office action in the form of _____ (identify the type of reply): <input type="checkbox"/> has been filed previously on _____ <input type="checkbox"/> is enclosed herewith. B The issue fee of \$ <u>1703.00</u> <input type="checkbox"/> has been filed previously on _____ <input checked="" type="checkbox"/> is enclosed herewith. (Exhibit B)		

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 04/07/2006 TL0111 00000041 500568 10005815  
 Sale Ref: 00000054 DAH: 500568 10005815  
 01 FC:1452 500.00 DA

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9100 and select option 2.

PTO/SB/61 (10-05)

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### PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

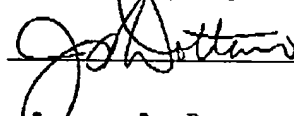
#### 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

#### WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature

4-6-06

Date

James J. Dottavio

Typed or printed name

40,360

Registration Number, if applicable

2790 Columbus Road

Address

(740) 321-7167

Telephone Number

Granville, OH

43023

Address

Enclosure ☒ Fee Payment☐ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unavoidable delay☐

#### CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

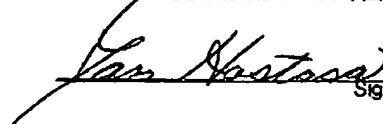
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☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

4/6/06

Date



Signature

Jan Hostasa

Typed or printed name of person signing certificate

[Page 2 of 3]

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APR 06 2006

PTO/SB/81 (10-05)

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<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)</b>		<b>Docket Number (Optional)</b>  25096B	
First Named Inventor: Bland		Art Unit: 3749	
Application Number: 10/805,815		Examiner: Rhinehart	
Filed: March 22, 2004			
Title: Method For Recycling Building Materials			
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450			
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.			
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.			
<b>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.</b>			
NOTE: A grantable petition requires the following items:			
(1) Petition fee.			
(2) Reply and/or issue fee.			
(3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and			
(4) Adequate showing of the cause of unavoidable delay.			
1. Petition fee			
<input type="checkbox"/> Small entity - fee \$ _____ (37 CFR 1.17(f)). Applicant claims small entity status. See 37 CFR 1.27.			
<input checked="" type="checkbox"/> Other than small entity - fee \$ <u>500.00</u> (37 CFR 1.17(f)). <b>DIRECTOR IS HEREBY AUTHORIZED TO CHARGE REQUIRED FEES TO DEPOSIT ACCOUNT NUMBER 50-0568</b>			
2. Reply and/or fee			
A The reply and/or fee to the above-noted Office action in the form of _____ (identify the type of reply):			
<input type="checkbox"/> has been filed previously on _____			
<input type="checkbox"/> is enclosed herewith.			
		04/07/2006 TL0111	00000054 500568 10005815
B The issue fee of \$ <u>1703.00</u>		01 FC:1452	500.00 DA
<input type="checkbox"/> has been filed previously on _____			
<input checked="" type="checkbox"/> is enclosed herewith. (Exhibit B)			

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9198 and select option 2.

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PTO/SB/61 (10-05)

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

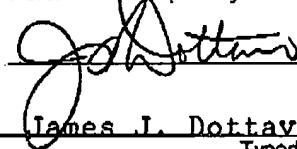
## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

  
Signature

4-6-06

Date

James J. Dottavio

Typed or printed name

40,360

Registration Number, if applicable

2790 Columbus Road

Address

(740) 321-7167

Telephone Number

Granville, OH

43023

Address

Enclosure ☒ Fee Payment☐ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unavoidable delay☐**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

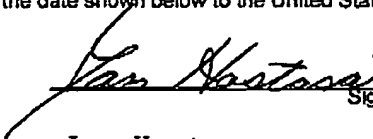
I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

4/6/06

Date

  
Signature

Jan Hostasa

Typed or printed name of person signing certificate

[Page 2 of 3]

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PTO/SB/51 (10-05)

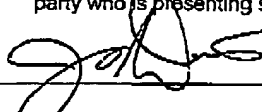
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

 _____ Signature	4-6-06 _____ Date
James J. Dottavio _____ Typed or printed name	40,360 _____ Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

The abandonment was due to failure to timely file issue fee and publication fee. A copy of the Notice of Abandonment is enclosed as Exhibit A. Applicant submitted the issue fee and publication fee via facsimile on January 18, 2006. A copy of this submission is enclosed as Exhibit B. The docket clerk mistakenly sent this document to the previous facsimile number for acceptance of issue fees. The previous facsimile number had been coded into the facsimile machine for automatic transmittal. The docket clerk was not aware that a new facsimile number had been issued, therefore it was not coded into the machine. Although the fees were timely authorized and transmitted, they were not received by the Patent Office. It had been assumed that the documents were successfully transmitted until receipt of the Notice of Abandonment (Exhibit A).

This Notice is dated March 22, 2006, and this Petition is promptly and diligently filed within one month of the date of the Notice of Abandonment.

DIRECTOR IS HEREBY AUTHORIZED TO CHARGE REQUIRED FEES TO DEPOSIT ACCOUNT NUMBER 50-0568.

(Please attach additional sheets if additional space is needed.)

[Page 3 of 3]

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*EXHIBIT A*

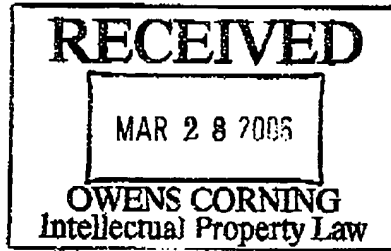
UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,815	03/22/2004	Brian W. Bland	25096B	9951

22889 7590 03/22/2006

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2790 COLUMBUS ROAD  
GRANVILLE, OH 43023



EXAMINER
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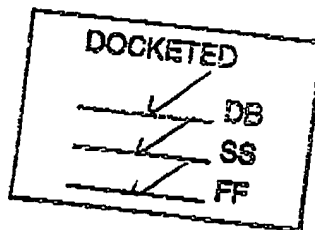
RINEHART, KENNETH

ART UNIT	PAPER NUMBER
----------	--------------

3749

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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**Notice of Abandonment**

Application No.

10/805,815

Applicant(s)

Bland

Examiner

RINEHART

Art Unit

3749

**- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-**

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☒ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

silk

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office  
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 0

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EXHIBIT B

P. 1

\* \* \* Memory TX Result Report ( Jan. 18. 2006 3:35PM ) \* \* \*

13

Date/Time: Jan. 18. 2006 3:28PM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
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## FAX TRANSMITTAL

Date: January 18, 2006

No. of Pages: 2 (including this page)

To: Issue Fees

From: Jan Hosteen

Of: USPTO

Fax: (740) 321-8024

Fax: (703) 746-4000

Phone: (740) 321-7168

SUBJECT: Issue Fee Transmittal

Serial No.: U.S. Patent Application 10/305,315, filed March 22, 2004

I hereby certify that the Issue Fee transmittal for the above noted case is being transmitted to Issue Fees, at the U.S. Patent and Trademark Office (Fax No. (703) 746-4000) on January 18, 2006.

January 18, 2006

Jan Hosteen

(Date of Payment)

(Printed Name)

  
(Signature)

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APR 06 2006

## FAX TRANSMITTAL

Date: January 18, 2006

No. of Pages: 2 (Including this page)

To: Issue Fees

From: Jan Hostasa

Of: USPTO

Fax: (740) 321-8024

Fax: (703) 746-4000

Phone: (740) 321-7168

SUBJECT: Issue Fee Transmittal

Serial No.: U.S. Patent Application 10/805,815, filed March 22, 2004

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January 18, 2006

(Date of Deposit)

Jan Hostasa

(Name of Depositor)

(Signature)

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